



## INTERNATIONAL TRADE COMMISSION

**Inv. No. 337-TA-847**

### **Certain Electronic Devices, Including Mobile Phones and Tablet**

### **Computers, and Components Thereof**

### **Institution of Investigation**

**AGENCY:** U.S. International Trade Commission

**ACTION:** Notice

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 2, 2012, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Nokia Corporation of Finland; Nokia Inc. of Sunnyvale, California; and Intellisync Corporation of Sunnyvale, California. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electronic devices, including mobile phones and tablet computers, and components thereof by reason of infringement of certain claims of U.S. Patent No. 5,570,369 (“the ‘369 patent”); U.S. Patent No. 5,884,190 (“the ‘190 patent”); U.S. Patent No. 6,141,664 (“the ‘664 patent”); U.S. Patent No. 6,393,260 (“the ‘260 patent”); U.S. Patent No. 6,728,530 (“the ‘530 patent”); U.S. Patent No. 7,106,293 (“the ‘293 patent”); U.S. Patent No. 7,209,911 (“the ‘911 patent”); U.S. Patent No. 7,365,529 (“the ‘529 patent”); and U.S. Patent No. 7,415,247 (“the ‘247 patent”). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue an exclusion order and cease and desist orders.

**ADDRESSES:** The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Room 112, Washington, D.C. 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

**FOR FURTHER INFORMATION CONTACT:** The Office of the Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205-1802.

**Authority:** The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2012).

**Scope of Investigation:** Having considered the complaint, the U.S. International Trade Commission, on June 1, 2012, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain electronics devices, including mobile phones and tablet computers, and components thereof that infringe one or more of claims 1-3 and 5-9 of the '369 patent; claim 1 of the '190 patent; claims 3, 4, 21, 27, 28, 37, 38, 43, 44, 61, 67, 68, 77, and

78 of the '664 patent; claims 6, 8, 10, and 11 of the '260 patent; claims 1-4, 7-10, and 14-18 of the '530 patent; claims 7, 9-11, and 13 of the '293 patent; claims 2, 6, and 9-14 of the '911 patent; claims 1, 2, 4-13, 15-27, and 30 of the '529 patent; claims 2, 10, 11, 14, 18, 19, 21, and 23 of the '247 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Nokia Corporation

Keilalahdentie 4

PO Box 226

Espoo, Finland

Nokia Inc.

200 South Mathilda Avenue

Sunnyvale, CA 94086

Intellisync Corporation

200 South Mathilda Avenue

Sunnyvale, CA 94086

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

HTC Corporation  
23 Xinghua Road, Taoyuan City  
Taoyuan County 330  
Taiwan

HTC America, Inc.  
13920 SE Eastgate Way, Suite 400  
Bellevue, WA 98005

Exedea, Inc.  
5950 Corporate Drive  
Houston, TX 77036, and

(3) For the investigation so instituted, the Honorable Paul J. Luckern, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d)-(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for

submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Lisa R. Barton

Acting Secretary to the Commission

Issued: June 4, 2012

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